

**Notice of Allowability**

Application No.

10/044,390

Applicant(s)

STIEHL ET AL.

Examiner

Art Unit

Omar Rojas

2874

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the telephone interview conducted on January 5, 2004.

2.  The allowed claim(s) is/are 9-16, 18 and 19.

3.  The drawings filed on 14 October 2003 are accepted by the Examiner.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

(a)  The translation of the foreign language provisional application has been received.

6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1)  hereto or 2)  to Paper No. \_\_\_\_\_.

(b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.

(c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1  Notice of References Cited (PTO-892)

5  Notice of Informal Patent Application (PTO-152)

2  Notice of Draftsperson's Patent Drawing Review (PTO-948)

6  Interview Summary (PTO-413), Paper No. 0104.

3  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No. \_\_\_\_\_

7  Examiner's Amendment/Comment

4  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

8  Examiner's Statement of Reasons for Allowance

9  Other

  
AKM ENAYET ULLAH  
PRIMARY EXAMINER

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Sullivan on January 5, 2004.

The application has been amended as follows:

#### **IN THE CLAIMS:**

In the fourth line of claim 9, as found on page 2 of the amendment filed on October 14, 2003, change the word "coupled" to the word "mounted."

2. The following is an examiner's statement of reasons for allowance: Regarding claims 9-13, the inclusion of the transparent, overhanging pass through portion in the semiconductor substrate in combination with the rest of the recited features of claim 9 appear to define a patentable invention over the prior art cited in the previous Office action. Regarding claims 14-16 and 18-19, the inclusion of a U-shaped weld plate with a notch therein and having a VCSEL array disposed thereon, appear to patentably define an optical subassembly module over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Rojas whose telephone number is (703) 305-8528 and whose e-mail address is [omar.rojas@uspto.gov](mailto:omar.rojas@uspto.gov). The examiner can normally be reached on Monday-Friday (7:00AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hemang Sanghavi, can be reached on (703) 305-3484. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9318 for regular communications. The fax phone number for After Final communications is (703) 872-9319. The examiner's personal work fax number is (703) 746-4751.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Omar Rojas  
Patent Examiner  
Art Unit 2874

or  
January 5, 2004

  
AKHMED ENAYET ULLAH  
PRIMARY EXAMINER